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6

7 **UNITED STATES DISTRICT COURT**  
8 **DISTRICT OF NEVADA**

9 UNITED STATES OF AMERICA,  
10

11 Plaintiff,

12 v.

13 ANDREI RAILEANU,  
14

15 Defendant.

Case No. 2:15-cr-250-KJD-NJK  
2:13-cr-038-APG-PAL

**STIPULATION TO CONTINUE  
MOTION, TRIAL AND  
REVOCATION DATES  
AND CONSOLIDATE CASES**  
(First Request)

16 IT IS HEREBY STIPULATED AND AGREED, by and between Daniel G. Bogden,  
17 United States Attorney, and Kimberly M. Frayn, Assistant United States Attorney, counsel for the  
18 United States of America, and Rene L. Valladares, Federal Public Defender, and MONIQUE  
19 KIRTLEY, Assistant Federal Public Defender, counsel for ANDREI RAILEANU, that the  
20 calendar call currently scheduled for Tuesday, October 27, 2015 at 9:00 a.m., and the trial  
21 scheduled for Monday, November 2, 2015 at 9:00 a.m., be vacated and set to a date and time  
22 convenient to this court but no longer than forty five (45) days; and that the revocation hearing for  
23 Case No. 2:13-cr-038-APG-PAL scheduled for Wednesday, December 9, 2014 at 11:00 a.m., be  
24 vacated and continued so that both cases may be consolidated before Judge Andrew P. Gordon.

25 IT IS FURTHER STIPULATED AND AGREED, that the parties herein shall have to and  
26 including November 9, 2015, to file any and all pretrial motions and notices of defense.  
27

1 IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that they  
2 shall have to and including November 23, 2015, to file any and all responsive pleadings.

3 IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that they  
4 shall have to and including November 30, 2015, to file any and all replies to dispositive motions.

5 The Stipulation is entered into for the following reasons:

- 6 1. The client is in custody and does not oppose the continuance.
- 7 2. The parties are in the process of negotiating the details of a global resolution in  
8 case number 2:15-cr-250-KJD-NJK and the revocation petition in case 2:13-cr-038-APG-PAL  
9 having agreed the two cases are inextricably linked and should be consolidated.
- 10 3. Denial of this request for continuance would deny counsel for the defendant  
11 sufficient time to effectively and thoroughly prepare and submit pretrial motions and notices of  
12 defense, taking into account the exercise of due diligence.
- 13 4. Additionally, denial of this request for continuance could result in a miscarriage of  
14 justice. The additional time requested by this stipulation is excludable in computing the time within  
15 which the trial herein must commence pursuant to the Speedy Trial Act, § 3161(h)(7)(A),  
16 considering the factors under Title 18, United States Code §§ 3161(h)(7)(B).

17 This is the First stipulation to continue filed herein.

18 DATED this 29<sup>th</sup> day of September, 2015

19  
20 RENE L. VALLADARES  
21 Federal Public Defender

DANIEL G. BOGDEN  
United States Attorney

22 */s/ Monique Kirtley*  
23 By \_\_\_\_\_  
24 MONIQUE KIRTLEY  
Assistant Federal Public Defender

*/s/ Kimberly M. Frayn*  
By \_\_\_\_\_  
KIMBERLY M. FRAYN  
Assistant United States Attorney

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ANDREI RAILEANU,

Defendant.

Case No. 2:15-cr-250-KJD-NJK  
2:13-cr-038-APG-PAL

**FINDINGS OF FACT, CONCLUSIONS  
OF LAW AND ORDER**

**FINDINGS OF FACT**

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. The client is in custody and does not oppose the continuance.
2. The parties are in the process of negotiating the details of a global resolution in case number 2:15-cr-250-KJD-NJK and the revocation petition in case 2:13-cr-038-APG-PAL having agreed the two cases are inextricably linked and should be consolidated.
3. Denial of this request for continuance would deny counsel for the defendant sufficient time to effectively and thoroughly prepare and submit pretrial motions and notices of defense, taking into account the exercise of due diligence.
4. Additionally, denial of this request for continuance could result in a miscarriage of justice. The additional time requested by this stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, § 3161(h)(7)(A), considering the factors under Title 18, United States Code §§ 3161(h)(7)(B).

This is the First stipulation to continue filed herein.

**CONCLUSIONS OF LAW**

The ends of justice served by granting said continuance and consolidation outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance and consolidation would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for trial, taking into account the exercise of due diligence.

The continuance sought herein is excusable under the Speedy Trial Act, title 18, United States Code, Section § 3161 (h)(7)(A), when the considering the factors under Title 18, United States Code, § 3161(h)(7)(B)(i), (iv).

**ORDER**

IT IS THEREFORE ORDERED that the two cases 2:15-cr-250-KJD-NJK and 2:13-cr-038-APG-PAL be consolidated and combined before the honorable Judge Andrew P. Gordon.

IT IS FURTHER ORDERED that the parties shall have to and including November 9, 2015 to file any and all pretrial motions and notice of defense.

IT IS FURTHER ORDERED that the parties shall have to and including November 23, 2015 to file any all responses.

IT IS FURTHER ORDERED that the parties shall have to and including November 30, 2015 to file any and all replies.

IT IS FURTHER ORDERED that the calendar call currently scheduled for Tuesday, October 27, 2015 at 9:00 a.m., be vacated and continued to December 30, 2015 at the hour of 8:45 am, and the trial currently scheduled for Monday, November 2, 2015 at 9:00 a.m., at the hour of 9:00 a.m., be vacated and continued to January 4, 2016 at the hour of 9:00 am, and the revocation hearing be reset for December 29, 2015 at 9:30 a.m.

DATED this 30th day of September, 2015

  
UNITES STATES DISTRICT JUDGE